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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,585	02/12/2002	Jerry Kupsh	3356/OK222	5374

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EXAMINER	
PEREZ, JULIO R	

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/074,585	KUPSH, JERRY	
	Examiner	Art Unit	
	Julio R Perez	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 February 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Alperovich et al. (6101393).

Regarding claim 1, Alperovich et al. disclose a method for preventing delivery of selected SMS messages, comprising the steps of: receiving an SMS message destined for an end user (col. 3, lines 27-30, a message is transmitted to a user); determining that one or more telephone numbers are associated with the SMS message (col. 3, lines 27-49; col. 4, lines 28-36, the transmitted message is goes along with the origin phone number sent from the sender); comparing the one or more telephone numbers to a plurality of predetermined telephone numbers (col. 3, lines 50-54; col. 4, lines 28-36; col. 5, lines 12-21, the phone number is screened in the screening mechanism located in the HLR, which extracts the or phone number coming along with the message, which in turn determines if the message should be accepted or rejected), and selectively preventing delivery of the SMS message to the end user if any of the one or more telephone numbers associated with the SMS message matches any of the plurality of predefined telephone numbers in the list (col. 4, lines 36-56; Fig. 3; Fig, 4, refs. 220-

230-240; col. 5, lines 4-21, the SMS is screened to check if it is listed on the acceptance or rejection list to conclude his delivery or deletion).

Regarding claim 2, Alperovich et al. disclose the method, wherein the determining step comprises the step of: searching for the one or more telephone numbers in the text of the SMS message (col. 3, lines 31-34; col. 5, lines 12-21, the phone number is extracted from the message sent).

Regarding claim 3, Alperovich et al. disclose the method, wherein the step comprises the step of searching the text of the SMS message for a plurality of numbers having a predefined pattern (col. 4, lines 28-36; col. 5, lines 12-21, the identity, of the sender, is determined by extracting the origination MSISDN).

Regarding claim 4, Alperovich et al. disclose the method, wherein the determining step comprises the steps of: searching for the one or more telephone numbers in the "callback num" parameter (col. 4, lines 28-36; col. 5, lines 12-21, a call back number associated with the message is provided with the message sent by the sender).

Regarding claim 5, Alperovich et al. disclose the method, wherein the determining step comprising the step of searching for the one or more telephone numbers in the text of the SMS message; and searching for the one or more telephone numbers in the "callback num" parameter (col. 4, lines 28-36; col. 5, lines 12-21, a call back number, which corresponds to the origin identifier, which is a datum embedded within the text message, is identified).

Regarding claim 6, Alperovich et al. disclose the method, wherein the predefined pattern includes one of a group of 7 and10 numbers (col. 4, lines 28-36; col. 5, lines 12-21, in the case of a mobile sending the message, the mobile station integrated services digital network (MSISDN) number is comprised of 10 numbers, including the are code, from which the originator is calling from).

Regarding claim 7, Alperovich et al. disclose the method, wherein the plurality of: predefined telephone numbers are stored in a list and wherein the list is periodically updated (col. 5, lines 51-66, the numbers on the delivery list may be updated per the procedure depicted).

Regarding claim8, Alperovich et al. disclose the method, wherein the preventing step includes deleting the SMS message (col. 4, lines 63-67; col. 5, lines 1-3, message is deleted if it determined to be accepted).

Regarding claim 9, Alperovich et al. disclose the method, including the further step of sending a message to the originator of the SMS message informing the sender that the SMS message has been deleted (col. 5, lines 45-50, a acknowledgement is sent to the originating MS).

Regarding claim 10, Alperovich et al. disclose a method for preventing spamming on an SMS network, comprising the steps of examining the respective contents of SMS messages and related information for one or more predetermined telephone numbers and if any one of the SMS messages or related content is found to contain any of the predefined telephone numbers, preventing delivery of the message through the SMS network (col. 3, lines 50-54; col. 4, lines 28-56; col. 5, lines 4-21; Fig. 3; Fig, 4, refs.

220-230-240, the phone number is screened in the screening mechanism located in the HLR, which extracts the or phone number coming along with the message, which is screened to check if it is listed on the acceptance or rejection list to conclude his delivery or deletion).

Regarding claim 11, Alperovich et al. disclose a method for preventing delivery of selected mobile messages, comprising the steps of: receiving a mobile message destined for an end user (col. 3, lines 27-30, a message is transmitted to a user); determining that one or more telephone numbers are associated with the mobile message (col. 3, lines 27-49; col. 4, lines 28-36, the transmitted message is goes along with the origin phone number sent from the sender); comparing the one or more telephone numbers to a plurality of predefined telephone numbers (col. 3, lines 50-54; col. 4, lines 28-36; col. 5, lines 12-21, the phone number is screened in the screening mechanism located in the HLR, which extracts the or phone number coming along with the message, which in turn determines if the message should be accepted or rejected), and selectively preventing delivery of the mobile message if any of the one or more telephone numbers associated with the mobile message matches any of the plurality of predefined telephone numbers in the list (col. 4, lines 36-56; Fig. 3; Fig, 4, refs. 220-230-240; col. 5, lines 4-21, the SMS is screened to check if it is listed on the acceptance or rejection list to conclude his delivery or deletion).

Regarding claim 12, Alperovich et al. disclose, a system for preventing delivery of SMS messages, comprising: one or more network processing devices (col. 2, lines 64-66; col. 3, lines 1-49; Fig. 2, a number of SMSC may spread around the network);

and a list of predefined telephone numbers (Fig. 2, refs. 220-230); the one or more network processing devices operative to: receive data from a sending device, the received data including a message destined for an intended SMS receiving device (col. 3, lines 27-30; Fig. 2, a message is transmitted to a user (22), which is an SMS-capable unit); extracting one or more telephone number from the received data; comparing the extracted one or more telephone numbers to the list of predefined telephone numbers (col. 3, lines 50-54; col. 4, lines 28-36; col. 5, lines 12-21, the phone number is screened in the screening mechanism located in the HLR, which extracts the or phone number coming along with the message, which in turn determines if the message should be accepted or rejected); and selectively preventing delivery of the a message to the intended SMS receiving device if any of the one or more telephone numbers matches any of the telephone numbers in the list of predefined telephone numbers (col. 4, lines 36-56; Fig. 3; Fig, 4, refs. 220-230-240; col. 5, lines 4-21, the SMS is screened to check if it is listed on the acceptance or rejection list to conclude his delivery or deletion).

Regarding claim 13, Alperovich et al. disclose the system, wherein the one or more network processing devices comprises a short message service center (SMSC) (col. 3, lines 24-49; Figs. 1-2, the system comprises a SMSC).

Regarding claim 14, Alperovich et al. disclose the system, wherein the one or more network processing devices comprises an SMSC and a database remote from the SMSC (col. 3, lines 14-30, Fig2. 1-2, the system include an SMSC and a screening database, which is collocated within an HLR).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to systems and methods for preventing delivery of spam or unwanted messages.

US Pat. No. 20030083078 to Allison et al.	Preventing delivery of unwanted SMS
US Pat. No. 20040082347 to Alminana et al.	Online short message service monitoring
US Pat. No. 20040058694 to Mendiola et al.	Messaging system in wireless communications

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP
8/2/04

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